

PATENT COOPERATION TREATY

REC'D 20 JAN 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/052741

International filing date (day/month/year)
01.11.2004

Priority date (day/month/year)
11.11.2003

International Patent Classification (IPC) or both national classification and IPC
C09B67/08, C09B67/22, C09D11/02

Applicant
CIBA SPECIALTY CHEMICALS HOLDING INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/052741

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/052741

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4,12-14
	No: Claims	1-3,5-11,15-20
Inventive step (IS)	Yes: Claims	
	No: Claims	1-20
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: GB -A- 1 343 606

V.1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-3,5-11,15-20 is not new in the sense of Article 33(2) PCT.

V.1.1. In D1 [see e.g. examples 40-47] the combination of dyes and pigments is described. Thereby a dye is chemical modified by special side groups resulting from a reaction between a halomethylen dyestuff group and a polyester chain (please read D1, page 1, col. 1, line 9 - col. 2, line 67). These (modified) **organic dyestuffs are obviously soluble in organic solvents** (please read D1, page 3, col. 1, lines 49-63 as well as page 3, col. 2, lines 72-92). On the same column, especially in lines 83-86, it is mentioned, that also resins useful as lithographic varnish medias can be used (please read also example 41, there a lithographic varnish ink is produced having greater brightness than the 'control ink'). The pigment particles of D1 are obviously 'coated' by dye and varnish during the manufacturing process (page 2, col. 2, line 130 page 3, col. 1, line 20; see also example 41, which affects current claims 10,15; example 46 affects current claims 11)

D1 is therefore novelty destroying for claims 1-3,5-11,15-20.

V.2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 4,12-14 does not involve an inventive step in the sense of Article 33(3) PCT.

The technical problem underlying the current application is 'providing lithographic printing inks to obtain lithographic printings with improved colour strength by avoiding higher pigment loading'.

V.2.1. The features of claims 4,12-14 seem to be merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to prepare lithographic inks.

VII. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art

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AUTHORITY (SEPARATE SHEET)**

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disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

VIII.1 The brackets used in some claims should be avoided for clarity reasons (Article 6 PCT).